

NATIONAL CREDIT UNION ADMINISTRATION
FREEDOM OF INFORMATION ACT PROGRAM
2002 FISCAL YEAR
REPORT

I. Basic Information Regarding Report.

A. If you have any questions regarding this report, you may contact Dianne Salva, Staff Attorney/FOIA Officer, 1775 Duke Street, Alexandria, Virginia 22314, (703) 518-6540.

B. The report is available on-line at www.ncua.gov. You can click on any underlined term to link directly to the corresponding document on the NCUA web site.

C. To obtain a copy of this report in paper form you may come to the NCUA reading room located in room 6076B, at 1775 Duke Street, Alexandria, VA 22314-3428 from 8 a.m. to 5 p.m. Monday through Friday, or call (703) 518-6540 to request that a copy be sent to you.

II. How to make a FOIA Request.

You can consult the publication entitled, "A Handbook for Obtaining Information From NCUA" for information on making a FOIA request. The Handbook is available on the Internet at www.ncua.gov, or you can request a copy from the Office of Public and Congressional Affairs by calling (703) 518-6330.

A. FOIA requests may be submitted to the following NCUA offices:

REGION I - ALBANY -- (518) 862-7400
9 Washington Square
Washington Avenue Extension
Albany, NY 12205
Fax Number: (518) 862-7420
E-mail address: region1@ncua.gov

REGION II - CAPITAL -- (703) 519-4600
1775 Duke Street, Suite 4206
Alexandria, VA 22314-3437
Fax Number: (703) 519-4620
E-mail address: region2@ncua.gov

REGION III - ATLANTA -- (678) 443-3000

7000 Central Parkway, Suite 1600
Atlanta, GA 30328
Fax Number: (678) 443-3020
E-mail address: region3@ncua.gov

REGION IV - CHICAGO -- (630) 955-4100
4225 Naperville Road, Suite 125
Lisle, IL 60532
Fax Number: (630) 955-4120
E-mail address: region4@ncua.gov

REGION V - AUSTIN -- (512) 342-5600
4807 Spicewood Springs Road, Suite 5200
Austin, TX 78759-8490
Fax Number: (512) 342-5620
E-mail address: region5@ncua.gov

REGION VI - PACIFIC -- (925) 363-6200
2300 Clayton Road, Suite 1350
Concord, CA 94520
Fax Number: (925) 363-6220
E-mail address: region6@ncua.gov

ASSET MANAGEMENT & ASSISTANCE CENTER -- (512) 231-7900
4807 Spicewood Springs Road, Suite 5100
Austin, TX 78759-8490
Fax Number: (512) 231-7920
E-mail address: amacmail@ncua.gov

OFFICE OF INSPECTOR GENERAL – (703) 518-6352
1775 Duke Street
Alexandria, VA 22314
Fax Number: (703) 518-6349
E-mail Address: OIGMail@NCUA.gov

CENTRAL OFFICE -- (703) 518-6540
1775 Duke Street
Alexandria, VA 22314
Fax Number: (703) 518-6369
E-mail Address: FOIA@NCUA.gov

B. Brief Description of NCUA response-time ranges:

Usually we respond within 20 business days. During this fiscal year, we had median processing times of 4 business days for simple requests and 5.5 business days for more complex requests.

C. Brief Description of why some requests are not granted:

Generally, exempt information includes credit union examination records; records which if released, would cause an unwarranted invasion of personal privacy; confidential proprietary business information; internal communications regarding proposed NCUA policies; and law enforcement investigative records.

III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

A. Agency-specific acronyms or other terms:

NCUA – National Credit Union Administration.

B. Basic terms, expressed in common terminology.

1. FOIA/PA request -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)

2. Initial Request -- a request to a federal agency for access to records under the Freedom of Information Act.

3. Appeal -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. Processed Request or Appeal -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.

5. Multi-track processing -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).

6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or

urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.

8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.

10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.

11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

12. Time limits -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

15. Median number -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes.

A. List of Exemption 3 statutes relied on by NCUA during the current fiscal year.

None.

V. Initial FOIA/PA Access Requests.

A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year: 31.
2. Number of requests received during current fiscal year: 347.
3. Number of requests processed during current fiscal year: 350.
4. Number of requests pending as of end of current fiscal year: 28.

B. Disposition of initial requests.

1. Number of total grants: 211.
2. Number of partial grants: 94.
3. Number of total denials: 5.

a. Number of times each FOIA exemption used (counting each exemption once per request).

- (1) Exemption 1: 0.
- (2) Exemption 2: 1.
- (3) Exemption 3: 0.
- (4) Exemption 4: 64.
- (5) Exemption 5: 62.
- (6) Exemption 6: 43.
- (7) Exemption 7(A): 2.
- (8) Exemption 7(B): 1.
- (9) Exemption 7(C): 3.
- (10) Exemption 7(D): 1.
- (11) Exemption 7(E): 1.
- (12) Exemption 7(F): 0.
- (13) Exemption 8: 84.
- (14) Exemption 9: 0.

4. Other reasons for nondisclosure (total): 40.

- a. No records: 14.
- b. Referrals: 4.
- c. Request withdrawn: 14.
- d. Fee-related reason: 3.
- e. Records not reasonably described: 1.
- f. Not a proper FOIA request for some other reason: 0.

- g. Not an agency record: 1.
- h. Duplicate request: 3.
- i. Other: 0.

VI. Appeals of Initial Denials of FOIA/PA Requests.

A. Number of appeals.

- 1. Number of appeals received during fiscal year: 8.
- 2. Number of appeals processed during fiscal year: 8.

B. Disposition of appeals.

- 1. Number completely upheld: 5.
- 2. Number partially reversed: 2.
- 3. Number completely reversed: 1.

a. Number of times each FOIA exemption used (counting each exemption per appeal):

- (1) Exemption 1: 0.
- (2) Exemption 2: 0.
- (3) Exemption 3: 0.
- (4) Exemption 4: 2.
- (5) Exemption 5: 2.
- (6) Exemption 6: 4.
- (7) Exemption 7(A): 1.
- (8) Exemption 7(B): 0.
- (9) Exemption 7(C): 1.
- (10) Exemption 7(D): 0.
- (11) Exemption 7(E): 0.
- (12) Exemption 7(F): 0.
- (13) Exemption 8: 4.
- (14) Exemption 9: 0.

4. Other reasons for nondisclosure (total): 1.

- a. No records: 0.
- b. Referrals: 0.
- c. Request withdrawn: 0.
- d. Fee-related reason: 1.
- e. Records not reasonably described: 0.
- f. Not a proper FOIA request for some other reason: 0.
- g. Not an agency record: 0.
- h. Duplicate request: 0.
- i. Other (specify):

VII. Compliance with Time Limits/Status of Pending Requests.

A. Median processing time for requests processed during the year.

1. Fast Track Requests.

- a. Number of requests processed: 4.
- b. Median number of days to process: 4.

1. Regular Track Requests.

- a. Number of requests processed: 346.
- b. Median number of days to process: 5.

1. Requests accorded expedited processing.

- a. Number of requests processed: 0.
- b. Median number of days to process: N.A.

B. Status of pending requests.

- 1. Number of requests pending as of end of current fiscal year: 28.
- 2. Median number of days that requests were pending as of that date: 9.

VIII. Comparisons with Previous Year.

NCUA received 61 fewer and processed 50 fewer initial FOIA requests in fiscal year 2002 than in fiscal year 2001. The median processing time decreased from 5.5 days to 5 days for regular track requests and remained the same, at 4 days for fast track requests. No requests for expedited processing were received or granted in this fiscal year.

IX. Costs/FOIA Staffing.

A. Staffing levels.

- 1. Number of full-time FOIA personnel: 0.
- 2. Number of personnel with part-time or occasional FOIA duties (in total work-years): 3.45.
- 3. Total number of personnel (in work-years): 3.45.

B. Total costs (including staff and all resources).

- 1. FOIA processing (including appeals): \$ 176,896.14.
- 2. Litigation-related activities (estimated): \$ 282.80.
- 3. Total costs: \$ 177,178.94.

X. Fees.

This includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.

A. Total amount of fees collected by agency for processing requests: \$3,406.65.

B. Percentage of total costs: 1.9%.

XI. FOIA Regulations (Including Fee Schedule).

NCUA's FOIA regulation is found in Subpart A of 12 C.F.R. §792. A copy of the regulation and the FOIA Fee Schedule is attached.